

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**XEZAKIA ROUSE,**

**Petitioner,**

**v.**

**No. 11-cv-0405 JCH/SMV**

**ANTHONY ROMERO,**

**Respondent.**


**ORDER DENYING MOTION TO COMPEL AS MOOT**

THIS MATTER is before the Court on Petitioner[']s Motion to Compel Discovery [Doc. 71] ("Motion"), filed on November 14, 2012. Petitioner requests a copy of the state-court record. Motion [Doc. 71] at 1. On November 27, 2012, the Court set a hearing on the Motion to coincide with an already scheduled telephonic status conference. Order Setting Telephonic Motion Hearing [Doc. 73]. However, since that time, Respondent certified that he mailed a copy of the record to Petitioner on November 29, 2012. Respondent's Notice . . . [Doc. 74]. Thus, the Court, being fully advised in the premises, finds that the Motion is moot and should be DENIED.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Petitioner[']s Motion to Compel Discovery [Doc. 71] is **DENIED as moot**.

**IT IS FURTHER ORDERED** that the telephonic status conference set for **December 13, 2012, at 1:30 p.m.** remains unchanged and **will proceed** as scheduled. Petitioner and Counsel for Respondent shall call Judge Vidmar's "Meet Me" line at **(505) 348-2357** to connect to the proceedings.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**